IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8162 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NIRUBEN SOMABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MM TIRMIZI for Petitioner No. 1
MR DN PATEL Sr. Central Govt.
Counsel for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 21/09/2001

ORAL JUDGEMENT

Rule. Mr. D.N. Patel, learned Sr. Central Government Standing Counsel appears on behalf of the

respondent and waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent to issue passport with necessary correction with regard to her name from Nirmalaben Somabhai Patel to Niruben Somabhai Patel and date of birth date as 12-01-1953 instead of 01-6-1952 as mentioned in the birth certificate.

3. It is also stated that due to some inadvertence date of birth and name of the petittioner has been wrongly mentioned in the passport issued by the respondent. The petitioner has moved the application dated 16-7-2001 before the respondent authority for the very purpose but the same has not been decided saying that the respondent has no authority or power to make correction with regard to birth date and name of the petitioner in the passport unless any order is passed by the competent authority in this respect. The learned counsel for the petitioner has referred to the birth certificate of the petitioner issued by the authority concerned.

4. In the facts and circumstances of this case, this petition is being disposed of finally by directing the respondent to consider and decide the aforesaid application filed by the petitioner on the basis of the material and evidence on record including the birth certificate produced by the petitioner in accordance with law with regard to correction of the petitioner's name from Nirmalaben Somabhai Patel to Niruben Somabhai Patel and date of birth date as 12-01-1953 instead of 01-6-1952 and to issue passport with necessary corrections with regard to the her birth date and name as stated above, as expeditiously as possible preferably within a period of one month from the date of presentation of a certified copy of this order. The respondent authority would be at liberty to pass appropriate order with regard to costs of this proceedings.

5. Rule is made absolute to the aforesaid extent, with no order as to costs. D.S. is permitted.

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/JVSatwara/